

Message Text

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70

ACTION ITC-01

INFO OCT-01 EUR-12 EA-09 IO-13 ISO-00 AGR-10 CEA-01

CIAE-00 COME-00 DODE-00 EB-07 FRB-01 H-02 INR-07

INT-05 L-03 LAB-04 NSAE-00 NSC-05 PA-02 AID-05

CIEP-02 SS-15 STR-04 TRSE-00 USIA-15 PRS-01 SP-02

OMB-01 FEA-01 FTC-01 AF-08 ARA-10 NEA-10 OIC-02 /160 W

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R 311557Z AUG 76

FM AMEMBASSY BERN

TO SECSTATE WASHDC 3105

INFO AMEMBASSY BONN

AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY ROME

AMEMBASSY THE HAGUE

AMEMBASSY TOKYO

USMISSION GENEVA

USDEL MTN GENEVA

USMISSION EC BRUSSELS

UNCLAS BERN 3906

EO 11652: NA

TAGS: ETRD SZ

SUBJ: USITC INVESTIGATION INTO POSSIBLE UNFAIR COMPETITION IN THE
IMPORTATION AND SALE OF TV RECEIVERS FROM JAPAN

REF: (A) STATE 206627; (B) BERN A-275, JUNE 25, 1973

BEGIN SUMMARY

1. AS REQUIRED SWISS LAW, EMBASSY REQUESTED PERMISSION SWISS
AUTHORITIES FOR USITC PERSONNEL VISIT SWITZERLAND IN ORDER
CARRY OUT INVESTIGATION, ACTIVITIES SET FORTH PARAS 4,5,6
REFTEL A. GOVT OF SWITZERLAND HAS REFUSED ON GROUNDS SUCH
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ACTIONS CONTRARY SWISS LAW AND WOULD CONSTITUTE INFRINGEMENT

SWISS SOVEREIGNTY. END SUMMARY.

2. UPON RECEIPT REFTEL A EMBASSY SUBMITTED FOLLOWING REQUEST, IN FORM OF LETTER SIGNED BY COMMERCIAL ATTACHE ADDRESSED MAX KRELL, SECTION CHIEF FOR NORTH AMERICA, DIVISION OF COMMERCE, DEPT OF PUBLIC ECONOMY. TEXT LETTER (UNNECESSARY WORDS OMITTED) FOLLOWS

QUOTE: EMBASSY ASKED ASSIST CONNECTION PLANNED VISIT SIWTZERLAND LATE SEPTEMBER REPRESENTATIVES US INTERNATIONAL TRADE COMMISSION (USITC) FOR PURPOSE ASSEMBLING INFORMATION SALES EUROPE JAPANESE TELEVISION RECEIVERS, COMPONENTS. INFORMATION SOUGHT WILL BE USED BY USITC IN PRELIMINARY INVESTIGATION, NOW UNDERWAY, INTO POSSIBLE UNFAIR METHODS COMPETITION, UNFAIR ACTS IN IMPORTATION INTO US TELEVISION RECEIVERS FROM JAPAN. PRELIMINARY INVESTIGATION INTENDED DETERMINE WHETHER FORMAL INVESTIGATION SHOULD BE INSTITUTED UNDER PROVISIONS TARIFF ACT 1930, WITH RESPECT TO IMPORTATION, SALE, IN US OF TELEVISION RECEIVERS POSSIBLY INVOLVING ATTEMPTS RESTRAIN OR MONOPOLIZE TRADE, SELLING IN US AT LESS THAN FAIR VALUE, OR OTHER VIOLATIONS TARIFF ACT.

PRIOR TO ARRIVAL USITC PERSONNEL, EMBASSY WILL BE GETTING, AS INSTRUCTED, PUBLICLY AVAILABLE DATA ON MARKETING, DISTRIBUTION, PRICING PATTERNS TV SETS SWITZERLAND. WHILE HERE, USITC TEAM WOULD LIKE MEET SWISS GOVT OFFICIALS, REPRESENTATIVES LOCAL TELEVISION INDUSTRY, INCLUDING TRADE ASSOCIATIONS, TO DISCUSS ACQUISITION FURTHER DATA, REQUIRED FOR PURPOSES USITC INVESTIGATION, ON TELEVISION RECEIVER MARKET SWITZERLAND.

PURPOSE THIS LETTER REQUEST APPROVAL FOR DESIRED CONTACTS WITH MEMBERS SWISS INDUSTRY, AND ASK ON WHOM IN SWISS GOVT USITC REPRESENTATIVES SHOULD CALL. SINCERELY. END QUOTE.

3. ON AUG 27 COMAT AND POL/ECON CONS CALLED ON KRELL TO RECEIVE SWISS RESPONSE. ALSO PRESENT WAS DR SILVIO UNCLASSIFIED

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ARIOLO, CHIEF LEGAL OFFICER DIVISION OF COMMERCE WHO HAS BEEN NAMED NEXT ECON COUNSELOR SWISS EMBASSY WASHINGTON.

4. KRELL OPENED BY STATING REQUEST DISCUSSED WITH DEPT JUSTICE/POLICE AND WITH AMBASSADOR KLAUS JACOBI, DELEGATE FOR TRADE NEGOTIATIONS, DIVISION OF COMMERCE.

5. KRELL SAID CONTACTS BETWEEN USITC REPS AND INDIVIDUALS/

FIRMS IN SWISS INDUSTRY FOR PURPOSES STATED
OUR LETTER WOULD CONSTITUTE VIOLATION ARTICLE 271 SWISS
PENAL CODE (SEE REF B FOR PROVISIONS). SWISS FIRMS/INDIV-
IDUALS PROVIDING INFORMATION REQUESTED WOULD PROBABLY
BE IN VIOLATION ARTICLE 273 SWISS PENAL CODE (SEE
REF B). THESE PROVISIONS SWISS LAW, HE SAID, DERIVE
FROM BASIC PRINCIPLES SWISS SOVEREIGNTY EMBODIED SWISS
CONSTITUTION.

6. WHILE SWISS GOVT REPS WILLING RECEIVE USITC
TEAM, GOVT DOES NOT HAVE ANY INFORMATION OF TYPE
SOUGHT AND KRELL THEREFORE QUESTIONED WHETHER SUCH A
MEETING WOULD BE USEFUL.

7. KRELL HAD NO OBJECTION EMBASSY GATHERING PUBLICLY
AVAILABLE DATA. EMBASSY WILL DO SO AND FORWARD USITC/
WASHINGTON IF USITC BELIEVES DATA USEFUL IN ABSENCE
FULL-SCALE INVESTIGATION EVISAGED REFTEL A.
DAVIS

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TELEVISION, ELECTRONIC EQUIPMENT, TRADE CONTROLS, INVESTIGATIONS, ANTIDUMPING LAW (TRADE), VISITS
Control Number: n/a
Copy: SINGLE
Draft Date: 31 AUG 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976BERN03906
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760330-1211
From: BERN
Handling Restrictions: n/a
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Margaret P. Grafeld
Declassified/Released
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EO Systematic Review
04 MAY 2006

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To: STATE
Type: TE
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